

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANDRE KING-HARDIMAN,

Petitioner,

v.

NETHANJAH BREITENBACH, et al.,

Respondents.

Case No. 3:19-cv-00484-ART-CSD

ORDER

On January 18, 2024, this Court granted Petitioner Andre King-Hardiman's First-Amended Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254, finding that (1) King-Hardiman's plea was invalid and (2) his counsel provided ineffective assistance by inadequately advising him about the plea. (ECF No. 83 ("First-Amended Petition").) Judgment was entered. (ECF No. 84.) Respondents appealed, and on March 20, 2025, the Court of Appeals for the Ninth Circuit reversed, finding that (1) "[t]he conclusion of the Nevada Court of Appeals that King-Hardiman's plea was valid was based on a reasonable determination of the facts and was a reasonable application of clearly established federal law," and (2) "[t]he state court's conclusion that King-Hardiman's counsel did not provide ineffective assistance and adequately advised him of the consequences of his plea was based on a reasonable determination of the facts and was a reasonable application of clearly established federal law." (ECF Nos. 85, 91.) The Court of Appeals for the Ninth Circuit issued the Mandate on June 5, 2025. (ECF No. 92.) In accordance with the Court of Appeals for the Ninth Circuit's Memorandum, this Court vacates its prior Merits Order and Judgment and denies King-Hardiman's First-Amended Petition.

It is therefore ordered that the Merits Order [ECF No. 83] and Judgment [ECF No. 84] are vacated.

It is further ordered that the First-Amended Petition [ECF No. 19] is denied.

It is further kindly ordered that the Clerk of Court (1) enter an Amended

1 Judgment, denying the First-Amended Petition, and (2) provide a copy of the
2 Memorandum [ECF No. 91], this Order, and the Amended Judgment to the Clerk
3 of the Eighth Judicial District Court for the State of Nevada in connection with
4 that court's case number C244221.

5 DATED THIS 9th day of June 2025.

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9 ANNE R. TRAUM
10 UNITED STATES DISTRICT JUDGE
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